

Notice of Allowability

Application No.

10/009,091

Examiner

Joseph W. Drodge

Applicant(s)

HALEMBA ET AL.

Art Unit

1723

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the filing of the Application on July 22, 2002.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☒ The drawings filed on 06 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1202
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 0204.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

In claim 1, part a), line 2 —communicating with a source pressure—has been inserted after “input” and in part c), subpart v), line 5 “a” has been replaced with —said--.

In claim 2, in part c), line 2 --, via a signal passage,-- has been inserted after “responsive”.

In claim 3, in line 4 —said valve member comprises—has been inserted after “and”.

In claim 6, in line 1 “further comprising” has been replaced with —wherein said— and in line 2 “having” has been replaced with —comprises--.

In claim 10, part c), line 1 --, via a signal passage, -- has been inserted after “responsive”.

In claim 12, part e), line 4 “lower” has been replaced with —depending--.

In claim 13, in each of lines 2 and 4 “retainer” has been replaced with —retaining element—and in line 3 —portion—has been inserted after “neck”.

In the Specification, on page 1, --This application is a 371 of PCT/US00/06848, filed 15 March 2000.—has been inserted immediately below the Title.

Authorization for this examiner's amendment was given in a telephone interview with John Hlavka on February 18, 2004.

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The following is an examiner's statement of reasons for allowance: Independent claim 1 distinguishes over the closest prior art, considered to encompass newly recited Beall patent 4,885,085 in view of reverse osmosis unit having a source water input communicating with a source pressure combined with the limitation in claim 1, part c), subpart v) " ... said pressurizing region of the tank is communicating with said source pressure". Beall '085 otherwise teaches the claimed reverse osmosis system components of reverse osmosis unit, storage tank with bladder, and control valve assembly with pilot valve and servo valve. Other close prior art includes Beall patent 5,662,793, Burrows patent 4,776,952 and Clack patent 4,997,553 all of record and newly cited patents 4,629,568 and 4,585,085, none of which suggest the pressurizing region of a tank defined between a bladder and tank, which communicates with a source pressure to a source water input of reverse osmosis unit. The limitation added by Examiners Amendment to claim 1 is supported on page 3, lines 2-6 of the instant Specification.

Independent claims 2 and 10, thus claims dependent therefrom, are respectively distinguished over the same prior art in view of "control device responsive, via a signal passage, to a dispensing device" and "pilot valve responsive, via a signal passage, to a dispensing device", respectively. In Beall patent '085 and other of the above patents, a control device or valve, or pilot valve, is responsive indirectly to state of dispensing device, via movement of an intermediate valve which causes increased pressure elsewhere in valve housing. For instance, in '085, valve movement between positions, is effected by changes in line pressure within waste water lines, such pressure changes indirectly related to water dispensing. No structure that could be considered a signal passage is shown by the prior art. The limitation added by examiners amendment "signal passage" is deemed supported by page 3, line 34-page 4, line 3 of the Instant Specification and original claim 7.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Drodge at telephone number 571-272-1140. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached at 571-272-1151. The fax phone number for the examining group where this application is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR, and through Private PAIR only for unpublished applications. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD

February 19, 2004


JOSEPH DRODGE
PRIMARY EXAMINER